

gineers. That would come before the Congress as a separate matter and Congress would then exercise its own judgment at that point.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. FORD. I yield to the gentleman from Iowa.

Mr. GROSS. I would suggest, unless someone has an amendment prepared, that this bill go over until the next call of the Consent Calendar so that we can get the \$50,000 limitation in the bill, plus, perhaps, some other safeguarding language. But, at least, that much.

Mr. FORD. I believe the legislative record made here today would be clear evidence to the Corps of Engineers that the passage of this bill does not authorize the Corps of Engineers to proceed without further congressional authorization. Under no circumstances should they interpret the situation otherwise. But I would like to ask the gentleman from Texas [Mr. KILGORE], is time somewhat of the essence on this?

If an amendment limiting it to \$50,000 was drafted and submitted here I would withdraw my reservation.

Mr. KILGORE. Mr. Speaker, I ask unanimous consent that this bill go to the foot of the calendar so that an appropriate amendment may be prepared.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

FEDERAL COMMUNICATIONS COMMISSION AUTHORIZED TO GRANT SPECIAL TEMPORARY AUTHORIZATIONS FOR 60 DAYS FOR CERTAIN NONBROADCAST OPERATIONS

The Clerk called the bill (S. 1005) to amend paragraph (2) (G) of subsection 309(c) of the Communications Act of 1934, as amended, by granting the Federal Communications Commission additional authority to grant special temporary authorizations for 60 days for certain nonbroadcast operations.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (2) (G) of subsection 309(c) of the Communications Act of 1934, as amended (47 U.S.C. 309(c) (2) (G)), is amended to read as follows:

"(G) a special temporary authorization for nonbroadcast operation not to exceed thirty days where no application for regular operation is contemplated to be filed or not to exceed sixty days pending the filing of an application for such regular operation, or".

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PETITIONS FOR INTERVENTION BEFORE THE FEDERAL COMMUNICATIONS COMMISSION

The Clerk called the bill (S. 1193) to amend section 309(e) of the Communications Act of 1934, as amended, to re-

quire that petitions for intervention be filed not more than 30 days after publication of the hearing issues in the Federal Register.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 309(e) of the Communications Act of 1934, as amended, is amended to read as follows:

"(e) If, in the case of any application to which subsection (a) of this section applies, a substantial and material question of fact is presented or the Commission for any reason is unable to make the finding specified in such subsection, it shall formally designate the application for hearing on the ground or reasons then obtaining and shall forthwith notify the applicant and all other known parties in interest of such action and the grounds and reasons therefor, specifying with particularity the matters and things in issue but not including issues or requirements phrased generally. When the Commission has so designated an application for hearing, the parties in interest, if any, who are not notified by the Commission of such action may acquire the status of a party to the proceeding thereon by filing a petition for intervention showing the basis for their interest not more than thirty days after publication of the hearing issues or any substantial amendment thereto in the Federal Register. Any hearing subsequently held upon such application shall be a full hearing in which the applicant and all other parties in interest shall be permitted to participate. The burden of proceeding with the introduction of evidence and the burden of proof shall be upon the applicant, except that with respect to any issue presented by a petition to deny or a petition to enlarge the issues, such burdens shall be as determined by the Commission."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROHIBITION OF FOREIGN FISHING VESSELS IN THE TERRITORIAL WATERS OF THE UNITED STATES

The Clerk called the bill (S. 1988) to prohibit fishing in the territorial waters of the United States and in certain other areas by persons other than nations or inhabitants of the United States.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I am not opposed to this legislation, but I wonder, if it is enacted by the Congress, whether it will be any more effective than other legislation on this subject or whether the State Department will do with it as it pleases with respect to U.S. fishing rights?

Mr. BONNER. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from North Carolina.

Mr. BONNER. Mr. Speaker, this bill has in it a reciprocity agreement. These come under the treaties of fishing under international agreements among nations.

As to answering the gentleman's question directly, of course that is beyond me to answer, but I would hope the State Department will recognize legislation passed by this body and passed by the Congress if it becomes law.

Mr. GROSS. I join with the gentle-

man in hoping that the State Department will one day give serious attention to the protection of the rights of American fishermen.

Mr. BONNER. I thoroughly agree with the gentleman.

Mr. BATES. Mr. Speaker, reserving the right to object, as the chairman of the committee knows, many of our fishermen do fish inside the territorial waters of Canada. Do I understand from the gentleman that there is a reciprocity agreement in this case?

Mr. BONNER. That is the fact.

Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is unlawful for any vessel, except a vessel of the United States, or for any master or other person in charge of such a vessel, to engage in the fisheries within the territorial waters of the United States, its territories and possessions and the Commonwealth of Puerto Rico or to engage in the taking of any Continental Shelf fishery resource which appertains to the United States except as provided by an international agreement to which the United States is a party. However, the Secretary of the Treasury may issue a license authorizing a vessel other than a vessel of the United States to engage in fishing within the territorial waters of the United States or for the resources of the Continental Shelf which appertain to the United States and to land its catch in a United States port, upon certification by the Secretary of the Interior that such permission would be in the national interest and upon concurrence of any State, Commonwealth or territory directly affected.

Sec. 2. (a) Any person violating the provisions of this Act shall be fined not more than \$10,000, or imprisoned not more than one year, or both.

(b) Every vessel employed in any manner in connection with a violation of this Act including its tackle, apparel, furniture, appurtenances, cargo, and stores shall be subject to forfeiture and all fish taken or retained in violation of this Act or the monetary value thereof shall be forfeited.

(c) All provisions of law relating to the seizure, judicial forfeiture, and condemnation of a cargo for violation of the customs laws, the disposition of such cargo or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this Act, insofar as such provisions of law are applicable and not inconsistent with the provisions of this Act.

Sec. 3. (a) Enforcement of the provisions of this Act is the joint responsibility of the United States Coast Guard, the United States Department of the Interior, and the United States Bureau of Customs. In addition, the Secretary of the Interior may designate officers and employees of the States of the United States, of the Commonwealth of Puerto Rico, and of any territory or possession of the United States to carry out enforcement activities hereunder. When so designated, such officers and employees are authorized to function as Federal law enforcement agents for these purposes.

(b) The judges of the United States district courts, the judges of the highest courts of the territories and possessions of the United States, and United States commissioners may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue such warrants or other process, including warrants or other process issued in admiralty proceedings in Federal district courts, as may be required

for enforcement of this Act and any regulations issued thereunder.

(c) Any person authorized to carry out enforcement activities hereunder shall have the power to execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this Act.

(d) Such person so authorized shall have the power—

(1) with or without a warrant or other process, to arrest any person committing in his presence or view a violation of this Act or the regulations issued thereunder;

(2) with or without a warrant or other process, to search any vessel and, if as a result of such search he has reasonable cause to believe that such vessel or any person on board is in violation of any provision of this Act or the regulations issued thereunder, then to arrest such person.

(e) Such person so authorized may seize any vessel, together with its tackle, apparel, furniture, appurtenances, cargo and stores, used or employed contrary to the provisions of this Act or the regulations issued hereunder or which it reasonably appears has been used or employed contrary to the provisions of this Act or the regulations issued hereunder.

(f) Such person so authorized may seize, whenever and wherever lawfully found, all fish taken or retained in violation of this Act or the regulations issued thereunder. Any fish so seized may be disposed of pursuant to the order of a court of competent jurisdiction, or if perishable, in a manner prescribed by regulations of the Secretary of the Treasury.

(g) Notwithstanding the provisions of section 2464 of title 28 when a warrant of arrest or other process in rem is issued in any cause under this section, the United States marshal or other officer shall discharge any fish seized if the process has been levied, on receiving from the claimant of the fish a bond or stipulation for the value of the fish with sufficient surety to be approved by a judge of the district court having jurisdiction of the offense, conditioned to deliver the fish seized, if condemned, without impairment in value or, in the discretion of the court, to pay its equivalent value in money or otherwise to answer the decree of the court in such cause. Such bond or stipulation shall be returned to the court and judgment thereon against both the principal and sureties may be recovered in event of any breach of the conditions thereof as determined by the court. In the discretion of the accused, and subject to the direction of the court, the fish may be sold for not less than its reasonable market value and the proceeds of such sale placed in the registry of the court pending judgment in the case.

SEC. 4. The Secretary of the Treasury is authorized to issue such regulations as he determines necessary to carry out the provisions of this Act.

Amend the title so as to read: "An Act to prohibit fishing in the territorial waters of the United States and in certain other areas by vessels other than vessels of the United States and by persons in charge of such vessels."

With the following committee amendments:

On page 1, line 7, after the words "Puerto Rico", insert the following: ", or within any waters in which the United States has the same rights in respect to fisheries as it has in its territorial waters".

On page 1, line 9, after the words "as provided", insert the following: "in this Act or as expressly provided".

On page 2, line 1, after the word "However", insert the following: "sixty days after written notice to the President of the Senate and the Speaker of the House of Representatives of intent to do so,".

On page 2, line 1, at the end of the line, delete the word "issue".

On page 2, line 2, at the beginning of the line, delete the words "a license authorizing" and insert in lieu thereof the word "authorize".

On page 2, line 3, after the word "fishing", insert the following: "for designated species".

On page 2, line 4, after the words "United States", insert the following: "or within any waters in which the United States has the same rights in respect to fisheries as it has in its territorial waters".

On page 2, line 5, at the end of the line, delete the words "and to".

On page 2, line 6, at the beginning of the line, delete the words "land its catch in a United States port,".

On page 2, line 7, delete the word "Secretary" and insert in lieu thereof the following: "Secretaries of State and".

On page 2, line 9, delete the word "or" and insert in lieu thereof a comma.

On page 2, line 9, after the word "territory", insert the words ", or possession".

On page 2, line 9, at the end of the line, insert the following: "The authorization in this section may be granted only after a finding by the Secretary of the Interior that the country of registry, documentation, or licensing extends substantially the same fishing privileges for a fishery to vessels of the United States. Notwithstanding any other provision of law, the Secretary of State, with the concurrence of the Secretaries of the Treasury and of the Interior, may permit a vessel, other than a vessel of the United States, owned or operated by an international organization of which the United States is a member to engage in fishery research within the territorial waters of the United States or within any waters in which the United States has the same rights in respect to fisheries as it has in its territorial waters, or for resources of the Continental Shelf which appertain to the United States and to land its catch in a port of the United States in accordance with such conditions as the Secretary may prescribe whenever they determine such action is in the national interest."

On page 2, line 18, after the word "seizure", insert "summary and".

On page 2, line 19, delete the word "cargo" and insert in lieu thereof the following: "vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores".

On page 2, line 20, delete the word "cargo" and insert in lieu thereof the following: "vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores".

On page 2, line 22, after the words "such forfeitures" at the beginning of the line, insert the word "shall".

On page 3, line 2, delete the words "United States Coast Guard," and insert in lieu thereof the following: "Secretary of the Interior, the Secretary of the Treasury, and the Secretary of the Department in which the Coast Guard is operating,".

On page 3, delete all of line 3.

On page 3, line 4, delete the words "States Bureau of Customs,".

On page 3, line 10, delete the period at the end of the line and insert the following: ", but they shall not be held and considered as employees of the United States for the purposes of any laws administered by the Civil Service Commission."

On page 4, line 20, after the words "competent jurisdiction," insert the following: "pursuant to the provisions of subsection (g) of this section,".

On page 5, delete lines 17, 18, and 19 and insert in lieu thereof the following:

"SEC. 4. The Secretaries of the Treasury and Interior are authorized jointly or severally to issue such regulations as they determine are necessary to carry out the provisions of this Act."

On page 5, after line 19, insert a new section 5, as follows:

"SEC. 5. (a) As used in this Act, the term 'Continental Shelf fishery resource' includes the living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil of the Continental Shelf.

"(b) The Secretary of the Interior in consultation with the Secretary of State is authorized to publish in the Federal Register a list of the species of living organisms covered by the provisions of subsection (a) of this section.

"(c) As used in this Act, the term 'fisheries' means the taking, planting, or cultivation of fish, mollusks, crustaceans, or other forms of marine animal, or plant life by any vessel or vessels; and the term 'fish' includes mollusks, crustaceans, and all other forms of marine animal or plant life.

"(d) As used in this Act, the term 'Continental Shelf' refers (a) to the seabed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 meters or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas; (b) to the seabed and subsoil of similar submarine areas adjacent to the coasts of islands."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

The title was amended to read as follows: "An Act to prohibit fishing in the territorial waters of the United States and in certain other areas by vessels other than vessels of the United States and by persons in charge of such vessels."

A motion to reconsider was laid on the table.

Mr. BONNER. Mr. Speaker, the bill that has just passed the House is intended to strengthen the hand of this country in protecting its sovereignty over its fisheries in waters under its jurisdiction.

Until a few years ago no large foreign fishing fleets operated near the U.S. coasts, except, to some extent, in the Bering Sea. Now the situation has changed drastically and there have been numerous recent reports of foreign fishing vessels found within 3 miles of our coasts in both the Atlantic and the Pacific Oceans.

Present law is inadequate to prevent illegal fishing in our waters because existing law does not expressly prohibit fishing and provides no penalties or other sanctions to aid enforcement. This bill will provide effective enforcement machinery if we have adequate policing facilities.

Mr. Speaker, at this point I want to call attention to the Coast Guard authorization bill, H.R. 9640, which passed the House on February 19. It took cognizance of this very problem now before us. This fishery enforcement legislation was pending in committee at the time we considered the Coast Guard authorization measure. The Cuban affair had freshly shown our enforcement impotence. The extensive foreign flag fishing fleets appearing in increasing numbers off our coasts indicated an enlarged burden to be borne by the Coast Guard as our seagoing law enforcement arm.